



July 16, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-1999

Dear Ms. Ledesma-Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127603.

The City of McAllen (the "city") received a request for a police report. You claim that the requested information is excepted from disclosure under section 261.201 of the Family Code. We have considered the exception you claim and reviewed the submitted information. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides that

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The requested information here consists of records used or developed in an investigation conducted under chapter 261 of the Family Code. See Fam. Code §§ 261.001(1)(c), 261.103(1). We believe section 261.201(a) is applicable to the requested information. Thus, the department must withhold the requested information from the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue M. Lee".

Sue M. Lee
Assistant Attorney General
Open Records Division

SML\nc

Ref: ID# 127603

encl: Submitted documents

cc: Ms. Angie Ibarra
Law Offices of Arnulfo M. Acosta, P.C.
4502 North Cage
Pharr, Texas 78577
(w/o enclosures)